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### I.C. Creating and Documenting a Report to Access

The report is created regarding the family of the child or unborn child alleged to be unsafe, maltreated, at risk of maltreatment, or in need of agency intervention. If a child resides in more than one household (e.g., parents are divorced), the Access report is created as follows:

- For Primary Assessment cases, the family/household where there are threats to safety or allegations of maltreatment.
- For Secondary Assessments and Non-Caregiver Assessments, the family/household that is the child's primary residence.

In Primary Assessment cases, when the reported information indicates that there are safety threats or allegations of maltreatment in two households, a separate report is created for each home. When children from two or more separate families are reported as involved in an alleged maltreatment situation, a separate Access report is created for each family.

The Access report must be documented in eWiSACWIS within three business days unless the child resides in another county (see [II.A. Responsibilities of Each Local Child Welfare Agency in Access Reports for a Child and Family that Reside in Another County](#)).

A child or family's participation in the Safe at Home program must be documented in eWiSACWIS if such information is known when the report is received.

#### I.C.1 Federal Indian Child Welfare Act and Wisconsin Indian Child Welfare Act Requirements: Access

While taking an Access report, the CPS Access professional must:

- Ask the reporter about any potential Native American ancestry.
- Inform the tribal agent for the appropriate tribe or band of all CPS reports [and child welfare services reports](#) received (screened-in and screen-out reports) pertaining to a child or unborn child whom the local child welfare agency knows to be an Indian child or Indian unborn child (~~[DSP Numbered Memo 2012-08](#)~~ [\(DSP Numbered Memo 2023-XX\)](#)).

All local child welfare agencies must inform the tribe within 24 hours from the receipt of the report and include the eWiSACWIS case ID number. [Electronic notification satisfies this requirement for reports pertaining to an Indian child or Indian unborn child whose tribal status in Person Management indicates they are a member of, eligible for membership, or have pending membership status with a federally recognized tribe that is located in Wisconsin. For CPS reports involving a Menominee child, the CPS report must be sent to the Menominee Nation. To meet the 24-hour deadline, this information can be provided via fax, phone, or e-mail.](#)

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### XI.A. Required Notifications for Applicable Cases

The local child welfare agency must notify the following agencies and in the following circumstances that a report has been received:

- Law Enforcement within 12 hours in cases of suspected or threatened sexual abuse, including cases of suspected or threatened sex trafficking (also, refer to the local Memorandum of Understanding for guidance).
- State licensing specialist in cases of alleged maltreatment in a residential care center for children and youth, group home, shelter care facility, childcare program, or other facility or entity regulated by Chapter 48 of the state statutes.
- Any other local child welfare agency that has a child placed in the facility identified in the CPS report by the next business day (Independent Initial Assessment only).
- The licensing or regulating agency(ies) of a report of maltreatment in a facility it has licensed by the next business day.
- Placing local child welfare agency, if alleged child victim is in an out-of-home care placement that was opened by another local child welfare agency.
- Division of Safety and Permanence (DSP) when there is an “incident of egregious abuse or neglect” or an “incident of death or serious injury,” as defined in [Wis. Stat. § 48.981\(7\)\(cr\)](#).
- The local child welfare agency where the infant resides or the local child welfare agency where the infant is hospitalized, if not the same local child welfare agency that received the report, in reports of medical neglect of infants with disabilities.
- The tribal agent for the appropriate tribe or band of all CPS reports [and child welfare services reports](#) received (screened-in and screened-out) pertaining to a child or unborn child whom the agency knows to be an Indian child or Indian unborn child.
  - [The notice must be made within 24 hours from the receipt of the report and include the eWiSACWIS case ID. To meet the 24-hour deadline, notice must be given by fax, phone, or e-mail. Electronic notification as described here satisfies this requirement for an Indian child or Indian unborn child whose tribal status in Person Management indicates they are a member of, eligible for membership, or have pending membership status with a federally recognized tribe that is located in Wisconsin.](#)
    - [An automated email generated through eWiSACWIS will be sent to the federally recognized tribe or tribes in Wisconsin that are listed in Person Management and the local child welfare agency indicating a CPS report or a child welfare services report has been received. This automated email notification does not remove the need for the child welfare agency to comply with all other requirements pertaining to cases involving Indian](#)

children contained within this policy and in ICWA/WICWA. (DSP Numbered Memo 2023-)

- ~~The CPS report must be sent as part of the notice for the Menominee Nation only.~~
- Pursuant to Wis. Stat. § 48.981(7)(a)2, the local child welfare agency is able to disclose information to the appropriate staff of a tribal social services department to support tribal child welfare professionals in clearly identifying the child, participating in a county-tribal collaborative response whenever possible, and assisting with the delivery of prevention and supportive services. Agencies may provide copies of CPS or Child Welfare Services Reports to tribes when requested.
- Tribal governments may have their own children’s codes that differ from the Wisconsin Children’s Code, as well as their own standards that differ from the Wisconsin CPS Standards. Local child welfare agency professionals should share information with the tribe regarding reasons and considerations in their decision-making process to enhance collaboration and mutual understanding.

For cases involving Safe at Home participants, the CPS professional(s) shall consult with the agency’s legal counsel with respect to compliance with the Safe at Home statute in providing any required notifications.

All notifications not generated automatically by eWiSACWIS must be documented in the family case record.